

CLERKS OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VAFILED  
05/26/2020JULIA C. DUDLEY, CLERK  
BY: /s/ J. JONES  
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

ELIZABETH SINES et al.,	)	Civil Action No. 3:17-cv-00072
Plaintiffs,	)	
	)	
v.	)	<u>ORDER</u>
	)	
JASON KESSLER et al.,	)	
Defendants.	)	By: Joel C. Hoppe
	)	United States Magistrate Judge

This matter is before the Court on Plaintiffs' Petition Regarding Recoverable Attorney's Fees from Defendants Elliott Kline, Matthew Heimbach, and Vanguard America. ECF No. 505. Plaintiffs' petition is hereby **GRANTED** in part and **DENIED** in part. For the reasons stated in the Memorandum Opinion entered this date, the Court finds that Plaintiffs are entitled to total payment of **\$41,300.00** in reasonable attorney's fees caused by these Defendants' failures to obey multiple court orders issued by the undersigned Magistrate Judge directing Defendants to provide or permit discovery, that the Defendants' failures were not substantially justified, and that an award of expenses would not be unjust in this case. Fed. R. Civ. P. 37(b)(2)(C). The total fee award of \$41,300.00 shall be apportioned among the three Defendants as follows:

<b>Elliott Kline:</b>	<b>\$12,528.33*</b>
<b>Matthew Heimbach:</b>	<b>\$12,528.33</b>
<b>Vanguard America:</b>	<b>\$16,243.33</b>

Plaintiffs' request for travel and lodging expenses related to the June 3, 2019 motion hearing held in Charlottesville, Virginia is **DENIED**.

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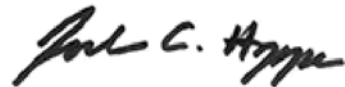
\* Kline shall pay this amount in addition to any fines or fees that the Honorable Norman K. Moon, presiding District Judge, has assessed, or may yet assess, in connection with Kline's contempt proceedings. *See, e.g.*, ECF Nos. 599, 610.

The Clerk of Court is directed to terminate the “Motion to Appeal Sanctions,” ECF No. 527, which the Court construes as Defendant Heimbach’s timely response in opposition to Plaintiffs’ fee petition.

**IT IS SO ORDERED.**

The Clerk shall send a copy of this Order to the parties.

ENTER: May 26, 2020

A handwritten signature in black ink, appearing to read "Joel C. Hoppe". The signature is written in a cursive, flowing style.

Joel C. Hoppe  
U.S. Magistrate Judge